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Power distribution in ambiguous times: The effects of the financial crisis on executive decision-making in Germany and Spain¹

Zusammenfassung

Machtarithmetik in unsicheren Zeiten. Die Auswirkungen der Finanzkrise auf exekutive Entscheidungsprozesse in Deutschland und Spanien

Der Beitrag analysiert Dynamiken exekutiver Entscheidungsprozesse während der globalen Finanz- und Wirtschaftskrise in der deutschen und spanischen Regierungsorganisation in 2008 und 2009. Dem *power-distributional* Ansatz folgend wird argumentiert, dass Merkmale des institutionellen Kontextes die Institutionalisierung der exekutiven Entscheidungsfindung während der Krise beeinflussen. In diesem Artikel werden insbesondere die Effekte der konstitutionellen Entscheidungsprinzipien im Kabinett sowie der Beziehungen zwischen Exekutive und Legislative auf exekutive Entscheidungsprozesse untersucht. Die vergleichende Analyse zeigt, dass in beiden Ländern die exekutive Entscheidungsfindung zentralisiert wurde, wenngleich in der deutschen Exekutive weniger intensiv als in der spanischen Regierungsorganisation. Diese Unterschiede lassen sich durch die institutionellen Rahmenbedingungen beider Länder erklären, die die Autorität der deutschen Bundeskanzlerin beschränken und die Dominanz des spanischen Premierministers (PM) fördern. Darüber hinaus beschränken die Beziehungen zwischen Exekutive und Legislative in Deutschland eine starke Zentralisierung exekutiver Entscheidungsprozesse, auch da parteipolitische Akteure an Entscheidungskompromissen in der Ministerialverwaltung teilhaben, während diese Beziehungen in Spanien eine Zentralisierung der Entscheidungsfindung eröffnen, unterstützt durch außerordentliche Rechtsverfahren, die während der Krise angewendet werden und parlamentarische sowie parteipolitische Auseinandersetzungen einschränken.

Schlagworte: Koordination, Ministerialverwaltung, Wirtschafts- und Finanzkrise, Neo-Institutionalismus, Politikberatung

Abstract

This article examines the dynamics of executive decision-making in Germany and Spain during the global financial and economic crisis between 2008 and 2009. It applies the power-distributional approach and argues that distinct features of the institutional context affect the institutionalisation of decision-making arrangements during crises. In particular, it examines how the principles structuring cabinet and the nexus between the executive and the legislative influence the change or inertia of arrangements for executive decision-making. The comparative analysis reveals that both countries experienced a centralisation of executive decision-making, albeit less in Germany than in Spain. These differences are caused by the institutional setting of both countries constraining the Chancellor's authority in Germany and permitting the dominance of the Spanish Prime Minister (PM) in cabinet. Furthermore, the relationships between the executive and the legislative obstruct a strong centralisation of executive decision-making in Germany, also because party-political actors are aligned to compromises in the executive, and facilitate a centralisation of executive decision-making in Spain, supported by extraordinary law-making procedures which have been applied in order to circumvent parliamentary and thus party-political debates.

Key words: Coordination, Ministerial bureaucracy, Economic and financial crisis, New institutionalism, Policy advice

1. Introduction

Crises are perceived as distinct events of widely recognised concern which require immediate action, but are also characterised by high uncertainty about these solutions (see *Boin et al.* 2005, 2005; *'t Hart et al.* 2010). Many authors argue that during such events government decision-making becomes centralised, although depending on the distinct perception of time pressure, the level of decision-making, and the structures and procedures for crisis management (*'t Hart et al.* 1993). In addition, these scholars emphasise the relevance of 'shared power settings' between actors coping with the crisis (*Boin/'t Hart* 2003: 547). In contrast, this article aims to explain how pre-existing institutional structures of central government organisations affect the power distribution among executive actors in responding to crises and analyses these patterns of governmental decision-making during the global financial and economic crisis. It focuses particularly on internal dynamics within central government organisations and thus excludes multi-level dynamics across countries that may unfold e.g. at the EU or G20 level.

To analyse the relevance of pre-existing institutional underpinnings of executive decision-making during the financial and economic crisis, this article compares two rather similar Western European countries, Spain and Germany. On the one hand, both countries are parliamentary systems with the characteristic 'fusion' (*King* 1976) between the legislative and the executive. On the other hand, the cabinet in both countries is structured by rather similar constitutional principles, comprising the principles of leadership by the head of government, by departmental ministers, and by collective cabinet (Art. 65 GG; articles 98.2, 99, 100, 101 and 108 of the Spanish Constitution; *Bar* 2004: 76). In contrast, the evolution and effects of the global financial and economic crisis on both countries required different governmental responses. Initially, Spain had nearly none sub-primes and due to its tight banking regulation a rather healthy banking sector, whereas German banks had heavily invested in sub-primes, resulting in several bail-outs. As a consequence, the German government was comparatively stronger forced to formulate measures for stabilising the financial sector whereas the Spanish government could rely upon existing regulation in order to cope with the financial crisis. However, Spain experienced already rather early severe effects on the national economy, also because of developments on its housing market, whereas Germany faced an economic downturn rather late. Accordingly, both countries applied rather *similar* instruments, most notably economic stimulus packages, but the Spanish government adopted these measures earlier than the German government. In sum, the two governments under scrutiny adopted different measures to cope with the financial and economic crisis. The literature on decision-making during crises suggests that the formulation of these different policy responses is dominated by a stronger centre of government, this article aims to analyse whether and how such a centralisation of decision-making unfolds and argues that pre-existing institutional features affect this power distribution among executive actors.

The remainder of the article is structured as follows: The next section illustrates the theoretical argument and formulates the claims for empirical analysis. The third section presents the two case studies on central government decision-making during the financial and economic crisis in Spain and Germany. Finally, the article draws empirical conclusions on the institutionalisation of arrangements for executive decision-making during the economic and financial crisis and their duration in the future.

2. Theoretical framework: The institutionalisation of executive decision-making

The change and inertia of institutional arrangements have been examined by different new institutionalist approaches trying to ascertain whether institutionalisation processes follow a logic of consequentiality or appropriateness (*Hall/Taylor* 1996). This article argues that decision-making mechanisms within the executive can be understood as institutional arrangements that are created, maintained, or changed in processes of institutionalisation. Following the recent debate in new institutionalist theory which emphasises the recursive nature of such institutionalisation processes unfolding between institutions and organisational actors (*Meyer/Rowan* 1977; *DiMaggio/Powell* 1983, 1988, 1991; *Meyer/Scott* 1983; *Powell* 1991; *Scott* 2008), this article applies the so-called ‘power-distributional approach’ and focuses on *mechanisms* of institutionalisation (*Thelen* 2003: 221; *Streeck/Thelen* 2005). Here, institutions are defined as formal and informal arrangements that are repetitive in time and have an impact on power relations among individual and organisational actors. The power-distributional approach to institutionalisation argues that if such institutions are affected by actors, their basic properties ‘must be defined in ways that provide some dynamic element that permits such change’ (*Mahoney/Thelen* 2010: 10; see also *Orren/Skowroneck* 1994). Accordingly, this approach understands institutions as ‘distributional instruments laden with power implications’ (*Mahoney/Thelen* 2010: 10) and focuses on the *gradual* institutionalisation of such arrangements, which may eventually transform the institutional status quo (*Thelen* 2009: 476). It addresses particularly institutions *already in place* such as political and political-economic institutions (*Mahoney/Thelen* 2010: 10). It argues that the institutional context imposes distinct consequences on actors in institutionalisation processes who ‘cultivate change from within the context of existing opportunities and constraints’ and act ‘around elements they cannot change while attempting to harness and utilize others in novel ways’ (*Streeck/Thelen* 2005b: 19; *Thelen* 2009: 488-9). During crises, such institutionalisation processes may result either in the preservation of pre-existing arrangements or the emergence of new ones – eventually affecting the power relations between executive actors. Put differently, this article assumes that crises as extraordinary events motivate actors to become engaged in the institutionalisation of arrangements for executive decision-making, but these dynamics are constrained by the institutional context. This theoretical argument departs from the basic tenets sustained in *Thelen* (2003) and others by focusing on the power distributional effect through institutionalisation processes by which institutions become repetitive either through maintenance or slow gradual changes.

The article focuses on two particular institutional features which are assumed to affect both political and administrative actors within executives (*Goetz* 2003: 61-2). On the one hand, it examines the explanatory relevance of principles structuring cabinet decision-making that prescribe the concentration or dispersion of authority in cabinet and include formal rules, e.g. veto rights of individual cabinet ministers, as well as informal rules that emerge over time, such as not to interfere in cabinet colleagues’ proposals as long as they do not affect own responsibilities (*Mayntz* 1980: 156). During crises, it is very likely that cabinets with centripetal decision-making and dominated by a single actor increase the centralisation of executive decision-making, thus strengthening already ‘tried-and-tested’ centralised decision-making processes. In contrast, cabinets with ministers enjoying strong individual autonomy are very likely to become less centralised

during such extraordinary events. These cabinet members may not only be reluctant to centralise decision-making procedures, they may also apply successful means to resist such attempts. Our claim is that the more centripetal cabinets decide under ordinary circumstances, the more likely is a centralisation of institutional arrangements for executive decision-making during crises.

On the other hand, the executive-legislative nexus is likely to affect executive decision-making during crisis, as crises may call for emergency legislation and bylaws and may affect the extent of parliamentary scrutiny ('t Hart et al. 1993). Whereas single-party governments in parliamentary systems are supported by a parliamentary majority which is strongly intertwined with executive offices, coalition governments need to accommodate – maybe also conflicting – interests between coalition parties also within the central government organisation. During crises, it is reasonable to assume that single-party governments are thus able to affect pre-existing decision-making arrangements within the executive more radically than coalition governments that are more likely to be less capable of making radical adjustments. In sum, this article argues that the institutionalisation of executive decision-making mechanisms during crises, i.e. the creation, maintenance and change of distinct mechanisms of decision-making, can be accounted with two explanatory dimensions, i.e. the principles structuring cabinet as well as the nexus between the legislative and the executive. We expect that differences in these institutional features affect the institutionalisation of executive decision-making arrangements during the global financial and economic crisis.

3. The executive decision-making process in Germany and Spain

3.1 The configuration of the cabinet under pressure

The German cabinet is structured by three constitutional principles entrenched into a single article of the Basic Law that stresses a principle of leadership by the Chancellor (*Kanzlerprinzip*), by cabinet (*Kabinettsprinzip*), and by departmental ministers (*Ressortprinzip*) (Art. 65 GG; Mayntz 1980: 142). The first principle is expressed in various prerogatives of the Chancellor, e.g. to appoint and dismiss ministers², to organise ministries by 'organisational decrees' (*Organisationserlass des Bundeskanzlers*) (Lehnguth/Vogelgesang 1988), and to issue general policy guidelines (Pfister 1974; von Beyme 1979; König 1991: 209, 216). These responsibilities, however, are strongly constrained by the departmental principle and the autonomy of departmental ministers to organise their own departments and formulate departmental policies. Nevertheless, German cabinets decide collectively and thus the constitutional triangle of principles structuring cabinet decision-making is assumed to be in permanent unbalance. In practice, the departmental principle is the most recognised and protected (Johnson 1983: 110; Mayntz 1987: 4).

With the advent of the financial and economic crisis, executive decision-making processes were adjusted towards a 'dual centre' (Fleischer 2010). At the political level, the first major government reaction to the crisis in public was a press conference by the Chancellor and the Finance Minister – to announce federal government guarantees for all private savings in German banks. Likewise, the various government declarations before Parliament to announce and explain government responses to the crisis were issued by the Chancellor, but also by the Minister of Finance. This strong relationship between the

Chancellor and the Minister of Finance was also expressed when the Chancellor delegated the lead for the second economic stimulus package to the Minister of Finance and not to the Minister for Economic Affairs. When the latter complained in public about his exclusion from the process, the Chancellor responded quite clearly that '[d]uring the acute financial crisis, (...) the Minister of Finance is the responsible minister' (Merkel, quoted by *FAS* 30.11.2008: 4). The Chancellor's statement was not supported by the Chancellor principle, but legitimised through extraordinary circumstances – and enabled by a comparatively weak Minister for Economic Affairs who did not succeed in insisting on his right to lead government policies in his portfolio (expert interviews).

At operational level, a key network emerged between officials from the Chancellery, the Ministry of Finance, and the German Central Bank (*FAS* 15.02.2009: 2). These networks were partly formalised by the creation of two inter-ministerial committees responsible for managing the two newly introduced funds for stabilising the financial market and stimulating the economy. Both committees comprised one administrative state secretary from the Ministries of Finance, for Economic Affairs, and of Justice, a division head from the Chancellery, as well as representatives from the Länder, and one representative from the Central Bank on an advisory basis.³ Although the formal exclusion of other ministries from these decisions may partly be explained with the responsibilities of those actors involved in stabilising German banks or deciding on credits for German companies, the apparent spill-over effects of the financial and economic crisis on other policy sectors caused some tensions between the new 'peripheral' ministries and the 'crisis core executive' (expert interviews).

In addition, the responsible executive actors required policy advice in two new forms. On the one hand, the Federal Financial Supervisory Authority (BaFin), responsible for the supervision of the financial sector in Germany, did not gain an influential role in the coordination of measures against the crisis – partly because of a difficult relationship between the Minister of Finance and the agency head (*SZ* 17./18.01.2009: 3). Instead, the Minister of Finance relied heavily on the German Central Bank and its chairman who was also involved in laying down the general terms of the law issued to stabilise the German financial sector (*FMSiG* 2008; *FAZ* 13.10.2008: 26; *FTD* 21.04.2009). This advisory role of the Central Bank was initially planned to be expanded towards administering the special fund to stabilise the financial market, but the chairman strongly rejected this as a threat of the bank's independence (*FAZ* 17.10.2008: 12). As a compromise, a new 'Financial Market Stabilisation Agency' was established as public law agency under legal and functional supervision of the Ministry of Finance to administer the fund, staffed with secondees from the Central Bank and the Ministry of Finance in exceptional cases (expert interviews). On the other hand, the Ministry of Finance commissioned external advice from several law firms to formulate the bill to stabilise the German financial sector (BT-Drs. 16/12547 [2009]). For the political actors within the ministry, an involvement of private law firms provided valuable expert knowledge which was argued to be unavailable in the civil service (*SZ* 07.03.2006: 19; expert interviews). In addition, these law firms provided 'coordinated knowledge' by sending teams with members of different legal specialities – which is more difficult to receive from a ministerial bureaucracy, particularly if different fields of law are addressed that are handled by different sections (if expertise on these issues is available at all) (*FAZ* 06.01.2009: 15). For departmental officials, though, the contracting of private law firms appeared as a threat for their monopoly of policy advice and resulted in some conflicts between the operational and the departmental leader-

ship level about basic assumptions and policy goals incorporated in the law as one of the major governmental responses to the crisis at the financial market in Germany. Later, also the Ministry for Economic Affairs contracted a private law firm to formulate an alternative draft to the second major law on government take-overs of private banks – also to strengthen its argumentative position within central government (FMStErgG [2009]; *FAZ* 12.03.2009: 13; expert interviews). Thus, private law firms provided expertise to cope with the extraordinary complexity for these bills, but delivered also (legal) arguments in favour or against distinct paragraphs reflecting apparent policy objectives (expert interviews).

In sum, the traditional imbalance of the three constitutional principles in Germany restricted a strong shift towards the Chancellery in executive decision-making because the other two principles maintained their relevance, i.e. departmental autonomy and collective decision-making. Instead, major policy decisions to cope with the crisis were mainly pre-formulated by a dual centre, comprising the Chancellery and the Ministry of Finance. At operational level, a small number of key actors managed the two funds established as key measures to cope with the financial and economic crisis. Following pre-existing decision-making arrangements, these were established as inter-ministerial committees, comprising the same executive actors and resulting in an ‘executive concentration’ of decision-making processes. Besides, the dual centre cooped other actors, particularly the Central Bank and private law firms, to formulate and draft the necessary legislation under the tight timeframe. However, both were commissioned in compliance with the departmental principle, i.e. the Ministry of Finance included the Central Bank and different private law firms were assigned by different ministries.

Like Germany, Spain is characterised by a similar configuration of authority in cabinet, although the balance rather favours the Prime Minister and grants less autonomy to individual ministers. The Prime Minister has similar prerogatives than the German Chancellor of appointing and dismissing ministers and issuing general policy guidelines. However, the PM enjoys more powers in organising ministries by royal decrees and although Spanish ministers manage their departments on their own, this autonomy is not practiced like in Germany due to the features of the electoral and party system that have not favoured coalition governments (*Bar* 2004). Under ordinary circumstances, economic decisions are taken collegially in weekly sessions through different collective bodies, including inter-ministerial commissions, the commission of state secretaries and undersecretaries, and the cabinet. Firstly, the inter-departmental commission for economic affairs is chaired by the Finance Minister and composed of the Ministers for Infrastructure, for Labour, of Industry, for Environment, as well as two state secretaries from the Ministry of Finance and Economics. Its main function is to prepare economic decisions between these ministries which can be later presented to the cabinet (*López Calvo* 1996). Secondly, the commission of state secretaries and undersecretaries is chaired by the Deputy Prime Minister and meets weekly to prepare the cabinet meetings. Finally, the cabinet – or council of ministers – sits at the top of the decision-making process to solve political issues which have not been compromised at the two lower level collegial bodies (*Bar* 1988; *López Calvo* 1996). Moreover, less collegial informal arrangements are shaped by the policy advisory machinery and bend the balance in cabinet towards the PM. Above all policy advisors, the personal cabinet of the Prime Minister has an outstanding position. This personal cabinet has grown in size and functions since the early 1980s by tightening the control on public policy making (*Bar* 1997, *Heywood/Molina* 2000). These dynamics

have been referred by some authors as a growing institutionalisation of executive decision-making (Heywood/Molina 2000) or the 'presidentialisation' of the executive (Guerero 2009).

During the financial and economic crisis, a further concentration of power occurred in the PM's entourage. The crisis has increased the influence of the head of the Prime Minister's cabinet in economic affairs. Firstly, he became a formal participant of the governmental commission for economic affairs before the crisis (expert interviews). Thus, the 'eyes and ears' of the Prime Minister became present when the preliminary economic measures were discussed and prepared for cabinet. Furthermore, the head of the cabinet participates in the commission of state secretaries and undersecretaries because of his formal rank as state secretary. However, as he is not in charge of any particular portfolio, like other commission members, he acts as the PM's main policy enforcer. Moreover, whenever the *political* Deputy Prime Minister does not chair the commission, the head of the cabinet replaces her in this role. The head of the cabinet rarely expresses his opinion in public. However, he will convene ministers for solving their dispute, and this happened more frequently during the crisis (expert interviews). Secondly, the so-called 'Prime Minister's Economic Office' (*Oficina Económica del Presidente*), which is subordinated to the head of the PM's cabinet, took the lead in launching the so-called 'Plan E' – instead of the Ministry of Finance and Economics. The Plan E was used as a brand name by the Zapatero government to present the different stimulus packages since January 2009. Finally, the participation of Spain in the G-20 has also been coordinated from the PM's Economic Office with participation of the Ministry of Finance and Economics and the Bank of Spain (expert interviews).

In Spain, the key advisory sources for fiscal and economic policies – next to the responsible ministry – are the Central Bank and the PM's Economic Office, whose predecessors date back to 1996 when the Aznar government created a Budget Office (*Oficina Presupuestaria*), subordinated to the PM, in order to monitor the compliance with Maastricht criteria (Molina/Heywood 2000). In 2004, PM Zapatero replaced the Budget Office with the Prime Minister's Economic Office and staffed it with prominent economists from the Central Bank and other private financial institutions. This independence of economic opinion allows the Prime Minister to formulate own fiscal and economic policy ideas which are not necessarily approved by the Minister of Finance and Economics. Before the crisis, the autonomy of the Minister of Finance and Economics has been considerably preserved, also resulting in a *soft* opposition to the Prime Minister. Besides, the Ministry of Finance and Economics has enjoyed an indisputable stability in terms of post holders (four persons acted as Minister of Finance and Economics since 1982) and in terms of policy ideas (Molina/Rhodes 2007; Chari/Heywood: 2009; Royo 2009a; Field 2009a).

During the crisis, the policy ideas to overcome the economic and financial crisis differed between the Prime Minister and the Minister of Finance and Economics – or rather the PM's Economic Office and the Ministry of Economics (expert interviews). Whereas the Prime Minister favoured a strong expansive fiscal response and hands-on public-sector engagement, supported also by the Minister of Industry, a former head of the PM's Economic Office, the Minister of Finance and Economics together with the governor of the Central Bank were more concerned with the fiscal debt and the intervention of the public sector in the economy. These tensions between the Prime Minister and the Minister of Finance and Economics could partially explain his replacement in the government

reshuffle in April 2009 by a seasoned (former minister of health and later of public administration) low-profile technocrat, Mrs Salgado. Moreover, Salgado is assumed to discuss her economic policy with the PM's Economic Office – strengthening the latter's position where the 'yes sayers' overcome the opposition of the 'naysayers' in the ministry of economics (expert interviews). For instance, the state secretary for finances was rectified by Salgado when he announced the need to freeze the salary of public sector employees to overcome the crisis. After a reaction from the Prime Minister's Office and the political Deputy Prime Ministers, the new Minister of Finance and Economics rectified her state secretary in a 'yes sayer' manner (*El País* 25.02.2010).

In sum, the head of the PM's cabinet and the PM's Economic Office have considerably influenced the governmental responses to the crisis. The traditional key role of the Ministry of Economics was significantly weakened. During the crisis, executive actors recognised the need to firstly ask the PM's Economic Office to pursue anti-crisis measures, instead of asking the Ministry of Economics (expert interviews), reducing thus the ambiguous paths of the system: formal channels through the delegated governmental commission chaired by the Minister of the Economic and informal channels filtered by the chief of the PM's cabinet and Economic Office.

3.2 The executive-legislative nexus during the crisis

Traditionally, German general elections result in coalition governments of two parties, most often a larger and a smaller coalition party. The two catch-all parties governed in a Grand Coalition only twice. The German parliamentary system is characterised by a strong fusion between the executive and the legislative, resulting in a central government organisation interlocked with party competition (*Lehmbruch* 1976). Several formal and informal means emerged to manage the relationships between the executive and the legislative arena. On the one hand, German governments issue since the 1980s a 'Coalition agreement' (*Koalitionsvertrag*) laying down the legislative programme for the upcoming legislative period which is generally perceived as a crucial document with binding and disciplining character on the executive (*Saalfeld* 1997: 77; *Müller* 2005). On the other hand, German governments establish traditionally a 'coalition committee' (*Koalitionssausschuss*) comprising the Chancellor, the Vice-Chancellor (a cabinet minister from the coalition party), the chairmen of the parliamentary parties, and, if they are not among the aforementioned, the party chairmen (*Manow/Ganghof* 2005: 23; *Miller* 2008). This body plays a crucial role in smoothing the policy process between the executive and the legislative (*Rudzio* 2006: 255-9).

When it became apparent that the German financial sector was rather heavily affected by the financial crisis, the coalition committee met in October 2008 to coordinate government responses. However, during the following months, it met less frequently than during the months before the crisis. Its following meeting in early January 2009 was used by its participants to limit the time frame for issuing a second economic stimulus package and commit them to a rather tight time schedule for decision-making. Thus, extra meetings of the parliamentary parties were scheduled for the following day to decide upon the package, and a government declaration by the Chancellor was announced for the day after (*SZ* 07.01.2009: 6; *FAZ* 17.01.2009: 5). Although the legislative actors were informed about the content of the government proposals rather late, they agreed to comply with the

government's tight deadlines, also because they were convinced that the executive possesses more knowledge about the severe nature of the crisis and the measures to cope with it – also in accordance with decisions taken by other governments in the European Union and the US (expert interviews).

Nevertheless, the crisis was also characterised by party competition visible in executive decision-making, although these dynamics were partly caused by the upcoming general election in autumn 2009. Hence, the Foreign Minister and front-runner for the SPD issued a 'European Future Pact for Employment' to outline possible measures for coping with the crisis at EU level and signalling own expertise in the field to the electorate (SZ 14.11.2008: 7; *Steinmeier* 2008). Also for the second economic stimulus package issued in spring 2009, particularly SPD cabinet ministers, i.e. the Finance Minister and the Foreign Minister, dominated the policy agenda and proposed the so-called 'environment incentive', commonly known as 'car scrappage scheme' (*Abwrackprämie*) which became very popular and has been adopted by other governments afterwards (expert interviews; *FAZ* 14.04.2009: 12).⁴ The cabinet members from the Conservative party did propose less policy measures and thus the Chancellor adopted the proposals from her SPD colleagues almost without any amendments and declared them as the government's policy responses (expert interviews). Likewise, the Foreign Minister invited trade unions to discuss measures against the economic crisis – and to show his party's eligibility to trade union members (*FTD* 28.05.2009: 23). The Chancellor reacted to these increasing party-political activities by publicly rejecting a 'race to the top with proposals one after another' (*Merkel*, 01.12.2008). However, the Chancellor adjusted her cautious strategy by hosting an 'economy summit' with representatives from the executive, science, industry, trade unions, and interest groups to discuss possible options for coping with the economic crisis (*FAZ* 13.12.2008: 12).

In sum, during the crisis the German government relied less on its traditional decision-making bodies comprising executive and legislative actors such as the coalition committee. Instead, decision-making was mainly processed within the executive, incorporating legislative actors at a rather late stage. Partly, the time pressure and the high level of uncertainty about the effects of the crisis as well as its solutions facilitated this executive dominance whereby legislative actors somewhat abandoned their privileges to amend government proposals. Partly, though, these processes were facilitated by the Grand Coalition in power which had established new means for executive decision-making, incorporating legislative objectives even more early and intensively than previous governments (cf. *Fleischer* 2010). Nevertheless the fusion between the executive and the legislative led to a spill-over of political competition and electoral campaigning into the executive area. Thus, ministers who are traditionally not responsible for financial or economic issues became highly engaged in proposing anti-crisis measures (most notably the Foreign Minister).

Spain has transited towards a majoritarian democracy on the dimension executive-parties. Firstly, in recent times most governments have enjoyed a concentration of the executive power in single-party majority cabinets, although at times the government party has had a parliamentary minority as with the two Zapatero governments (2004-2012), the first Aznar government (1996-2000), and the last Gonzalez government (1993-1996). In those cases, the government was forced to rely on pacts with nationalist parties (*Gunther et al.* 2004; *Field* 2009a, 2009b), basically from Basque Country and Catalonia but also from Galicia and Canary Islands. Those pacts have been preferred to coalition govern-

ments according to *Guerrero* (2003), because nationalist parties gain transfer of powers or investments in their territory (benefits are concentrated) and do not need to participate in a government that may need to take unpopular measures. The performance of minority governments in Spain is very similar to majority governments measured by the percentage of government bills that are passed by the legislative. Between 1982 and 2008, both types of government passed approximately 89 percent of their legislation, outperforming comparatively minority governments in other countries (*Field* 2009b: 421). This implies that minority governments have empirically *behaved* like single-party majority governments.

Secondly, Spain is characterised by a dominant executive in its relations with the legislature, which has allowed implementing several partisan and divisive measures (educational reforms of the left and the right, legislation on abortion (twice), or the legalisation of same-sex marriage). In this regard, *Van Biezen* and *Hopkin* (2005: 124) consider that the Spanish parliamentary system is subject to 'presidential' tendencies, while other Spanish scholars use a stronger concept of presidential parliamentarism (*Aragón* 2002). Under normal circumstances, the legislative process must follow the normal parliamentary procedure of amendments and voting on the draft by the different parties represented in the chamber. In recent times there has been an increasing involvement of the PM's office in the draft of legislation that will go later on through the normal parliamentary channels (expert interviews).

For extraordinary times of crisis, the Prime Minister may use the 'royal decree law' (*Real Decreto Ley*) to speed up decisions through the chamber. They are executive orders that go to Parliament for approval or refusal, without allowing any decision-making role to parliamentarians or any room for partial amendments. Many anti-crisis initiatives have been issued as royal decree laws, without any intervention of the parliamentary groups or the parliamentary coalitions. According to the constitutional law, this measure should be taken in extraordinary situations and thus they were traditionally used for getting the approval of special aid financial packages to be given to flood, draught victims or similar cases, but also to modify existing legislation on fiscal matters, for instance. During the global financial and economic crisis, executive orders have been passed six times between February 2009 and April 2009 (totalling 14 in 2009) and ten times in 2008. In comparative terms, the number of royal decree laws is not unusually high as the number of these laws has averaged around 12 in the 2000s. However, the number is considerably high for a government in minority in Parliament during the crisis and the concentration of these executive orders around economic policies has been unusual.

In all these cases, the urgency was argued as a consequence of the financial and economic crisis. Critics from the opposition parties voiced continuously their concern about the extensive (ab)use of executive orders to alter the current legal system and the low prediction capacity of the government, that proposed, for instance, to amend the budgetary law within only several months after its approval. Since executive orders have been used also in the past, this concentration of power to launch legislation in crisis follows a previous pattern, albeit with an increasing intensity. The packaging of anti-crisis measures in royal decree laws was also a concern for officials of the Ministry of Finance and Economics, who tried to block the executive order process in the delegated commission for economic affairs (expert interview). The blocking strategy might have come from a different view on the responses to the crisis, as discussed above.

Recently, the Prime Minister appointed an interparty commission to regain the trust of the financial markets and the European Union against the risk of default the Spanish

duties. According to *Royo* (2009b), the measures already taken by government have focused on short-term problems and they have not addressed the fundamental imbalances of the Spanish economy. Officially, the commission is asked to formulate measures to overcome the severe effects, particularly on the Spanish economy, but it is also a mechanism to incorporate legislative actors earlier in the policy process and broaden the political support for upcoming government policies of more durable nature. Moreover, this expert commission may also have been created in order to regain the electorate's recently decreasing trust in government and legitimise future governmental action. As such, the expert commission is chaired by the Ministers of Finance and Economics, of Public Works, and of Industry – all three close allies of the PM and key figures in his party. This interparty commission has predecessors, particularly during the transition from dictatorship to democracy. As such, the commission follows a well-known pattern of coordination in the executive, although hardly practiced in recent times. Although the government could still push forward some legislative measures, always negotiating specific votes, as the socialist party is in minority in Parliament, the creation of the interparty commission would help the government to adopt contested decisions related to the liberalisation of the labour market and the reform of the pension system by seeking legitimacy through the support of other parties.

4. Conclusion

This article examines the change and inertia of institutional arrangements for executive decision-making during the global financial and economic crisis from a comparative perspective. Although the time frame of this particular crisis limits an assessment of the durability of observed changes, it offers explanatory perspectives to understand institutionalisation within central government organisations during extraordinary circumstances. In comparison, the institutional arrangements for decision-making in the Spanish executive are mainly characterised by strengthening the pre-existing centralised decision-making mechanisms and prioritising the role of the head of PM's cabinet in various procedures in which the Ministry of Finance and Economics would have traditionally dominated. In contrast, the changes of the institutional arrangements for government decision-making in Germany can be characterised as 'executive concentration'. The pre-existing decision-making means were applied also during the crisis, albeit key decisions were coordinated in a smaller crisis core executive, also ignoring some formal requirements on lead and participation.

The comparative case studies confirm the explanatory relevance of the two selected contextual features. On the one hand, the dominant departmental principle in Germany mainly prevailed for executive decision-making – except the changing lead for the second economic stimulus package which can be interpreted as a deviant action by the Chancellor who, in turn, relied upon a dual centre with the Minister of Finance for preparing collective cabinet decisions. Similarly, the centripetal Spanish cabinet with the PM as most powerful actor facilitated a further centralisation of institutional arrangements for executive decision-making during the crisis, e.g. the strengthening of PM's involvement and the engagement of his personal cabinet, while the role of the Minister of Finance and Economics has been weakened. On the other hand, the strong nexus between the executive and the legislative in the German Grand Coalition enabled a dominance of the ex-

executive under the severe pressures of the crisis. In contrast, the Spanish single-party government could not rely upon a functional equivalent supporting the relationship between the executive and the legislative until very late in the crisis. Instead, the Spanish PM affected legislative decision-making directly by issuing many crisis measures as executive orders which block any amendments by parliamentarians. Hence, the comparatively stronger institutional requirements imposed on actors in the German politico-administrative system obstructed any radical changes of decision-making measures or, in theoretical terms, any institutionalisation processes resulting in strong centralisation dynamics. In contrast, the comparatively weaker institutional constraints of the Spanish politico-administrative system enabled the PM to apply a more centripetal pattern of executive decision-making and institutionalise further centralisation.

Furthermore, the comparative analysis reveals that in both countries the apparent policy ambiguity during the crisis resulted in dynamic applications and adjustments of pre-existing institutional arrangements for executive decision-making. In Germany, the high level of policy ambiguity resulted in a stronger reliance upon external advice which was incorporated into executive decision-making processes, partly initiating new decision-making means. In contrast, the conflicts between the Spanish PM's Economic Office and the Ministry for Economics regarding the policy measures to cope with the crisis have shifted executive decision-making towards the PM. As the policy measures did not work as intended, an inter-party commission was created to achieve a consensus within this ambiguous environment.

The different patterns of executive decision-making did not unfold in dynamics associated with critical junctures as the external challenges of the global financial and economic crisis may have suggested in the first place. Instead, even these extraordinary events result in incremental adaptations or gradual institutionalisation of executive decision-making processes. The different Spanish and German experiences can be seen as different distributions of power among executive actors by rather similar institutional contexts – which would lead to the conclusion that either these pre-existing features filter external challenges differently and more research is needed on the mechanisms of gradual institutionalisation processes accompanying extraordinary events or other rather dissimilar institutional features may account for these differences such as administrative legacies or the party composition of governments.

Anmerkungen

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- 2 Formally, the Federal President appoints and dismisses ministers according to the chancellor's proposal.
- 3 The Länder representative and the adviser from the Central Bank were only involved in the inter-ministerial committee for the fund stabilising the financial market.
- 4 Various inventors were discussed in the press, particularly the head of the German Association of the Automotive Industry proliferated this measure (*Der Spiegel* 2009: 49).

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